

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

TAMMIE LYNN BURTON,

Plaintiff,

v.

CAROLYN W. COLVIN,¹

Acting Commissioner of Social Security,

Defendant.

Case No. CIV-24-1197-AMG

ORDER

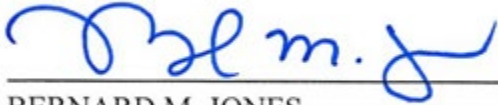
Plaintiff has filed this action for judicial review of a final administrative decision of the Social Security Administration. On November 27, 2024, United States Magistrate Judge Amanda Maxfield Green issued a Report and Recommendation recommending that Plaintiff's motion for leave to proceed in forma pauperis be denied and that if Plaintiff does not pay the \$405 filing fee in full within 21 days of any order adopting the Report and Recommendation, her action be dismissed without prejudice to refiling. Plaintiff was advised of her right to object to the Report and Recommendation by December 11, 2024. On December 10, 2024, Plaintiff filed her objection.

Having reviewed Plaintiff's in forma pauperis application, the Report and Recommendation, and Plaintiff's objection, the Court concludes that Plaintiff "has sufficient [income and] assets to warrant the requirement . . . that fees be paid." *Wasko v. Silverberg*, 180 F. App'x 34, 35 (10th Cir. 2006). Specifically, the Court finds that the additional information regarding Plaintiff's debt repayment plan does not support a finding of a financial inability to pay the required filing fee in light of the monthly income that Plaintiff receives.

¹ Carolyn Colvin became the Acting Commissioner of Social Security on November 30, 2024. Pursuant to Federal Rule of Civil Procedure 25(d), Carolyn Colvin is substituted for Martin O'Malley as the defendant in this case.

Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 3] and DENIES Plaintiff's motion for leave to proceed *in forma pauperis* [Doc. No. 2]. Further, if Plaintiff does not pay the \$405 filing fee in full to the Clerk of the Court within twenty-one (21) days of the date of this Order, this action shall be dismissed without prejudice.

IT IS SO ORDERED this 19th day of December, 2024.



BERNARD M. JONES
UNITED STATES DISTRICT JUDGE